Article 18: No enquiry shall be made nor any action taken by or under the authority of the United State or the Government of India, and no proceedings shall lie in any court, against the Ruler of any covenanting State, whether in his personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that Covenanting State.

Article 19: (1) The United State hereby guarantees *either* the continuance in service of the permanent members of the public services of either Covenanting State on conditions which will not be less advantageous than those on which they are serving immediately before the appointed day *or* the payment of reasonable compensation or retirement on proportionate pension.

(2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in either Covenanting State to members of the public services (civil and military) of that State, who have retired, or proceeded on leave preparatory to retirement, and the compassionate allowances granted to dependents of deceased members of those services before the appointed day.

Article 20: Except with the previous sanction of the Raj Pramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of either Covenanting State before the appointed day.

Article 21: Notwithstanding anything contained in the preceding provisions of this Covenant, the Rulers of Travancore and Cochin shall continue to have and exercise their present powers of suspension, remission or commutation of death sentences in respect of any person who may have been or is hereafter sentenced to death for capital offence committed within the territories of Travancore or Cochin as the case may be.

Article 22: Nothing in this Covenant shall be construed as preventing the Government of the United State from taking over the administration of the whole or any part of any area included within a province of India on such terms and conditions as may be agreed upon by the Government of the United State and the Government of India.

SCHEDULE.

COVENANTING STATES AND PRIVY PURSE AMOUNTS.

TRAVANCORE	Rs. 18 Lakhs.
COCHIN	Rs. 2,35,000.

In confirmation of the above Covenant, we append our signatures, on behalf of ourselves, our heirs and successors.

Trivandrum,
27th May 1949.

Rama Varma
Maharaja of Travancore.

Thrippunithura,
29th May 1949.

Rama Varma
Maharaja of Cochin.

The Government of India, hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof, Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

V. P. Menon

Adviser to the Government of India,
Ministry of States.

Major General His Highness Sri Padmanabha Dasa Vanchi Pala Sir Bala Rama Varma Kulasekhara Kiritapati Manney Sultan Maharaja Raja Ramaraja Bahadur Shamsher Jang, Knight Grand Commander of the Most Exalted Order of the Star of India, Knight Grand Commander of the Most Eminent Order of the Indian Empire, D. Litt., Maharaja of Travancore assumed the position of Raj Pramukh of the United State of Travancore and Cochin at 10·25 A. M. this day, the 1st July 1949/the 17th Mithunam 1124.

മേജർ ജനറൽ ശ്രീപത്മനാഭദാസ വഞ്ചിപാല സർ ബാലരാമവർമ്മ കുലശേഖരകിരീടപതി മന്നേസുൽത്താൻ മഹാരാജരാജ രാമരാജാ ബഹദൂർ ഷംഷേർജംഗ് നൈറ്റ് ഗ്രാൻഡ് കമാൻഡർ ആഫ് ദി മോസ്റ്റ് എക്സാൾട്ടഡ് ആർഡർ ആഫ് ദി സ്റ്റാർ ആഫ് ഇൻഡ്യാ, നൈറ്റ് ഗ്രാൻഡ് കമാൻഡർ ആഫ് ദി മോസ്റ്റ് എമിനെന്റ് ആർഡർ ആഫ് ദി ഇൻഡ്യൻ എമ്പയർ, ഡി. ലിററ്., തിരുവിതാംകൂർ മഹാരാജാവു തിരുമനസ്സുകൊണ്ട് ൧൯൪൯ ജൂലൈ ൧/൧൧൨൪ മിഥുനം ൧൭-ാം തീയതിയായ ഇന്നേ ദിവസം കാലത്ത് ൧൦-൨൫-ന് തിരുവിതാംകൂർ—കൊച്ചി ഐക്യസംസ്ഥാനത്തിലെ രാജപ്രമുഖൻ എന്ന സ്ഥാനം സ്വീകരിച്ചിരിക്കുന്നു.

மேஜர் ஜெனரல் மாட்சிமை தங்கிய ஸ்ரீபத்மநாப தாஸ வஞ்சிபால ஸர் பாலராமவர்ம குலசேகர கிரீடபதி மன்னே ஸுல்தான் மஹாராஜராஜ ராமராஜா பஹதூர் ஷம்ஷேர் ஜங், நைட் க்ராண்ட் கமாண்டர் ஆப் தி மோஸ்ட் எக்ஸால்ட்டெட் ஆர்டர் ஆப் தி ஸ்டார் ஆப் இந்தியா, நைட் க்ராண்ட் கமாண்டர் ஆப் தி மோஸ்ட் எமினென்ட் ஆர்டர் ஆப் தி இந்தியன் எம்பயர், டி. லிட்., திருவிதாங்கூர் மஹாராஜா திருவுளங்கொண்டு 1949 ஜூலை 1/1124 ஆனி 17-ம் தேதியாகிய இன்று முற்பகல் 10-25-க்கு திருவிதாங்கூர்—கொச்சி ஐக்கிய சமஸ்தானத்தின் ராஜப் பிரமுகர் பதவியை ஏற்றுள்ளார்.

Huzur Cutcherry,
Trivandrum, 1st July 1949.

T. K. NARAYANA PILLAI,
Premier.

R. O. C. No. 760/49/Pol.

APPOINTMENT.

His Highness the Raj Pramukh has been pleased to appoint with effect from the forenoon of the 1st July 1949 the following persons to be members of the Council of Ministers ; namely :—

1. Sri Parur T. K. Narayana Pillai, B. A., B. L. (*Premier*),
2. Sri E. Ikkanda Warriar, B. A., B. L.,
3. Sri A. J. John, B. A., B. L.,
4. Sri K. Ayyappan, B. A.,
5. Sri Panampilly Govinda Menon, M. A., B. L.,
6. Sri E. K. Madhavan, and
7. Sahib Bahadur T. A. Abdulla, B. A., B. L.

രാജപ്രമുഖൻ തിരുമനസ്സുകൊണ്ട് ൧൯൪൯ ജൂലൈ ൧-ാംനു- പൂർവാഹ്നം മുതൽ താഴെപ്പറയുന്ന ആളുകളെ മന്ത്രിസഭാംഗങ്ങളായി നിയമിച്ചിരിക്കുന്നു:—

ശ്രീ പറവൂർ ററി. കെ. നാരായണപിള്ള, ബി. ഏ., ബി. എൽ. (പ്രധാനമന്ത്രി)

ശ്രീ ഇ. ഇക്കണ്ടവാരിയർ, ബി. ഏ., ബി. എൽ.

ശ്രീ ഏ. ജെ. ജാൺ, ബി. ഏ., ബി. എൽ.

ശ്രീ കെ. അയ്യപ്പൻ, ബി. ഏ.

ശ്രീ പനമ്പിള്ളി ഗോവിന്ദമേനോൻ, എം. ഏ., ബി. എൽ.

ശ്രീ ഇ. കെ. മാധവൻ.

സാഹിബ് ബഹാദൂർ ററി. ഏ. അബ്ദുള്ള, ബി. ഏ., ബി. എൽ.

ராஜப்பிரமுகர் திருவுளங்கொண்டு 1949 ஜூலை 1-ம் தேதி முற்பகல் முதல் அடியிற்காணும் நபர்களை மந்திரி சபையின் அங்கத்தினர்களாக நியமித்துள்ளார் :

1. ஸ்ரீ பறவூர் T. K. நாராயணபிள்ளை, பி. எ., பி. எல்., (பிரதானமந்திரி)
2. ஸ்ரீ E. இக்கண்டவாரியர், பி. எ., பி. எல்.
3. ஸ்ரீ A. J. ஜான், பி. எ., பி. எல்.
4. ஸ்ரீ K. அய்யப்பன், பி. எ.
5. ஸ்ரீ பனம்பிள்ளி கோவிந்தமேனோன், எம். எ., பி. எல்.
6. ஸ்ரீ E. K. மாதவன்.
7. சாகிப் பஹதூர் T. A. அப்துல்லா, பி. எ., பி. எல்.

(By order)

Huzur Cutcherry,
Trivandrum, 1st July 1949.

C. KUMARA DAS,
Chief Secretary to Government.

R. O. C. No. 760/49/Pol.

ASSUMPTION OF CHARGE.

1. Sri Parur T. K. Narayana Pillai, B. A., B. L. (Premier),
2. Sri E. Ikkanda Warriar, B. A., B. L.,
3. Sri A. J. John, B. A., B. L.,
4. Sri K. Ayyappan, B. A.,
5. Sri Panampilly Govinda Menon, M. A., B. L.,
6. Sri E. K. Madhavan, and
7. Sahib Bahadur T. A. Abdulla, B. A., B. L.

assumed charge as Ministers on the forenoon of 1st July 1949/Mithunam 1124.

൧. ശ്രീ പറവൂർ റ്റി. കെ. നാരായണപിള്ള, ബി. ഏ., ബി. എൽ. (പ്രധാനമന്ത്രി),

൨. ശ്രീ ഇ. ഇക്കണ്ടവാരിയർ, ബി. ഏ., ബി. എൽ.,

൩. ശ്രീ ഏ. ജെ. ജാൺ, ബി. ഏ., ബി. എൽ.,

൪. ശ്രീ കെ. അയ്യപ്പൻ, ബി. ഏ.,

൫. ശ്രീ പനമ്പിള്ളി ഗോവിന്ദമേനോൻ, എം. ഏ., ബി. എൽ.,

൬. ശ്രീ ഇ. കെ. മാധവൻ.,

൭. സാഹിബ് ബഹദൂർ റ്റി. ഏ. അബ്ദുള്ള, ബി. ഏ., ബി. എൽ.,

എന്നിവർ ൧൯൪൯ ജൂലൈ ൧/൧൧൨൪ മിഥുനം ൧൭-ാം൹ പൂർവ്വാഹ്നത്തിൽ മന്ത്രിമാരായി ചാർജെടുത്തിരിക്കുന്നു.

1. ஸ்ரீ பறவூர் T. K. நாராயணபிள்ளை, பி. ஏ., பி. எல். (பிரதான மந்திரி)
2. ஸ்ரீ E. இக்கண்டவாரியர், பி. ஏ., பி. எல்.,
3. ஸ்ரீ A. J. ஜாண், பி. ஏ., பி. எல்.,
4. ஸ்ரீ K. அய்யப்பன், பி. ஏ.,
5. ஸ்ரீ பனம்பிள்ளி கோவிந்தமேனோன், எம். ஏ., பி. எல்.,
6. ஸ்ரீ E. K. மாதவன்,
7. சாஹிப் பஹதூர் T. A. அப்துல்லா, பி. ஏ., பி. எல்.,

ஆகிய இவர்கள் 1949 ஜூலை 1/1124 ஆனி 17-ம் தேதி முற்பகலில் மந்திரிகளாக சார்ஜ் எடுத்திருக்கின்றனர்.

(By order)

Huzur Cutcherry,
Trivandrum, 1st July 1949.

C. KMARA DAS,
Chief Secretary to Government.

Ordinance No. I of 1124.

Preamble.

WHEREAS, for the peace and good government of the United State of Travancore and Cochin, it is necessary to make provisions for the continuance, in that portion of the territory of the United State, which, before the 1st day of July, 1949 (hereinafter in this Ordinance referred to as "the appointed day") formed the State of Travancore the laws which were in force in that State immediately prior to the appointed day; and for the continuance in that portion of the territory of the United State, which, before the appointed day formed the State of Cochin, the laws which were in force in that State immediately prior to the appointed day; and to make provision for certain other matters;

NOW, THEREFORE, in exercise of the powers conferred by Article XI of the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the United State;

HIS HIGHNESS the RAJ PRAMUKH is pleased to make and promulgate the following Ordinance:—

Title, extent and commencement.

1. (1) This Ordinance may be cited as "the United State of Travancore and Cochin Administration and application of Laws Ordinance, 1124.

(2) It extends to the whole of the United State of Travancore and Cochin.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance and in all Ordinances made after the promulgation of this Ordinance, unless there is something repugnant in the subject or context—

(a) "Covenant" shall mean the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the United State of Travancore and Cochin;

(b) "Existing law of Travancore" shall mean any Proclamation, law, order, bye-law, rule or regulation in force in the State of Travancore immediately prior to the appointed day, except the Travancore Interim Constitution Act, 1123;

(c) "Existing law of Cochin" shall mean any Proclamation, law, order, bye-law, rule or regulation in force in the State of Cochin immediately prior to the appointed day, except the provisions contained in Parts I, II, III and V of the Government of Cochin Act, 1113, and Form I of the Schedule thereto;

(d) "United State" shall mean the State formed by the integration of the States of Travancore and Cochin.

The existing laws of Travancore to continue in force in the territory of Travancore.

3. (1) Subject to the provisions of this Ordinance ed or existing laws of Travancore shall, until altered be in force repealed by competent authority, continue rritories of the *mutatis mutandis* in that portion of the day formed the United State which before the appointed territory of the State of Travancore.

References to the Maharaja, the Government, or the Dewan in those laws how to be construed.

(2) All references in any of the existing laws of Travancore to His Highness the Maharaja of Travancore or the Government or the Dewan shall be construed as references to the Raj Pramukh or the Government of the United State or the Minister concerned of the United State, as the case may be.

The existing laws of Cochin to continue in the territory of Cochin.

4. (1) Subject to the provisions of this Ordinance, the existing laws of Cochin shall, until altered, amended or repealed by competent authority, continue to be in force *mutatis mutandis* in that portion of the territories of the United State which before the appointed day formed the territory of the State of Cochin.

References to the Maharaja, the Government or the Diwan in those laws how to be construed.

(2) All references in any of the existing laws of Cochin to His Highness the Maharaja of Cochin or the Government or the Diwan shall be construed as references to the Raj Pramukh or the Government of the United State or the Minister concerned of the United State, as the case may be.

Power of Raj Pramukh to make rules.

5. The Raj Pramukh shall make rules for the more convenient transaction of the business of the Government of the United State and for the allocation among Ministers of the said business.

Officers in the service of the Government of Travancore or of Cochin whose services are continued by the Government of the United State to be deemed officers of the Government of the United State.

6. (1) All officers in the service of the Government of Travancore or the Government of Cochin immediately prior to the appointed day whose services are continued by the Government of the United State under Article XIX of the Covenant shall be deemed to be officers of the Government of the United State. Such officers and all officers appointed by the Government of the United State shall exercise the powers and perform the functions under the existing laws of Travancore or under the existing laws of Cochin, as the case may be, or of both, where the Government of the United State issue directions in this behalf to the officers concerned; and when acting in such capacity they shall be deemed to be the officers specified in the existing laws of Travancore or in the existing laws of Cochin as the case may be, or of both, entitled to exercise the powers and charged with the duties and obligations under such laws.

All Civil Courts constituted etc. under the Civil Courts Acts prior to the appointed day to be valid and effective for all purposes.

(2) All Civil Courts constituted, appointments made, limits fixed, jurisdiction and powers conferred under the Travancore and Cochin Civil Courts Acts prior to the appointed day shall be valid and effective for all purposes as if the Civil Courts were constituted, appointments were made, limits were fixed and jurisdiction and powers were conferred by the Government of the United State.

All Criminal Courts constituted etc. under the Criminal Procedure Codes to be valid and effective for all purposes.

(3) All Criminal Courts constituted, appointments made, limits fixed, jurisdiction and power conferred under the Travancore and Cochin Codes of Criminal Procedure prior to the appointed day shall be valid and effective for all purposes as if the Criminal Courts were constituted, appointments were made, limits were fixed and jurisdiction and powers were conferred by the Government of the United State.

The effect of formation of the State.

7. The formation of the United State shall not —

(*a*) affect anything duly done or suffered under the existing laws of Travancore or under the existing laws of Cochin; or

(*b*) affect any right, privilege, obligation or liability acquired, accrued or incurred prior to the appointed day; or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the existing laws of Travancore or against the existing laws of Cochin prior to the appointed day ; or

(d) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced in the United State and any such penalty, forfeiture or punishment may be imposed as if the United State had not been formed.

Legal proceedings taken by or against the Government of Travancore or of Cochin may be continued by or against the United State.

8. (1) Any legal proceedings taken by or against the Government of Travancore or the Government of Cochin prior to the appointed day may be continued by or against the Government of the United State represented by such officer as may be designated for the purpose by order of the Raj Pramukh.

Suits by or against the Government of the United State how instituted.

(2) Suits by or against the Government of the United State shall be instituted by or against such officer as may be designated for the purpose by order of the Raj Pramukh.

Power of Courts for removal of difficulties.

9. In the application of the existing laws of Travancore or the existing laws of Cochin by virtue of the operation of Section 3 or Section 4, the Courts of the United State shall have power for the removal of difficulties, if any, arising out of or in connection with such application, to interpret such laws so as to effectuate the purposes intended by this Ordinance.

SIGN MANUAL

Ordinance No. II of 1124.

Preamble.

WHEREAS by a Covenant the States of Travancore and Cochin have agreed to unite and integrate their territories into one State with a common executive, legislature and judiciary;

AND WHEREAS it is necessary for the peace and good Government of the United State to provide for the establishment of a High Court and for certain other matters connected with the constitution and functions of such a High Court;

NOW, THEREFORE, in exercise of the powers conferred by Article XI of the Covenant establishing the United State of Travancore and Cochin,

HIS HIGHNESS THE RAJ PRAMUKH is pleased to make and promulgate the following Ordinance:—

PART I.

PRELIMINARY.

Title.

1. This Ordinance may be called the United State of Travancore and Cochin High Conrt Ordinance, 1124.

Extent.

2. It extends to the whole of the United State of Travancore and Cochin.

Commencement.

3. It shall come into force on the 7th day of July, 1949 corresponding to the 23rd day of Mithunam 1124 M. E.

Repeal.

4. The Travancore High Court Act, IV of 1099 M. E. and Part IV of the Government of Cochin Act, XX of 1113 M. E. and Form II of the Schedule thereto are hereby repealed.

PART II.

CONSTITUTION OF THE HIGH COURT.

Establishment of the High Court.

5. There shall be a High Court of Judicature for the United State of Travancore and Cochin.

Seat of the High Court.

6. The High Court of Judicature of the United State of Travancore and Cochin, hereinafter in this Ordinance referred to as the High Court, shall be a Court of record and shall sit at Eranakulam.

Constitution of the High Court.

7. The High Court shall consist of a Chief Justice and of such number of other Judges not less than five as the Raj Pramukh may, from time to time, appoint.

Proceedings commenced prior to this Ordinance in either High Courts to be continued.

8. All proceedings commenced prior to the coming into force of this Ordinance in either of the High Courts of Travancore and Cochin, hereinafter in this Ordinance referred to as the existing High Courts, shall be continued and depend in the High Court as if they had commenced in the High Court after such date.

Any order made by either of the existing High Courts in any such proceedings as aforesaid shall, for all purposes, have effect not only as an order of that Court, but also as an order made by the High Court.

Appointment, resignation etc. of Judges of the High Court.

9. (1) Every Judge of the High Court shall be appointed by the Raj Pramukh by a warrant under his hand and seal and every permanent Judge shall hold office until he attains the age of sixty years:

Provided that—

(a) a Judge may, by writing under his hand addressed to the Raj Pramukh, resign his office;

(b) a Judge may be removed from his office by order of the Raj Pramukh on the ground of misbehaviour or of infirmity of mind or body;

(c) the office of a Judge shall be vacated by his being appointed by the Governor-General to be a Judge of the Federal Court or of any other High Court within the territory of India.

Qualifications of Judges.

(2) A person shall not be qualified for appointment as a Judge of the High Court unless he is a citizen of India; and

(a) has held for at least ten years a judicial office in India; or

(b) has been for at least ten years an Advocate of a High Court or of two or more such Courts in succession.

Explanation.- For the purposes of this sub-section—

(*a*) in computing the period during which a person has been an Advocate of a High Court, there shall be included any period during which a person held judicial office after he became an Advocate;

(*b*) in computing the period during which a person has held judicial office in the territory of India or has been an Advocate of a High Court, there shall be included any period before the commencement of this Ordinance, during which he held judicial office in any area which was comprised before the 15th day of August, 1947, within India as defined by the Government of India Act, 1935, or has been an Advocate of any High Court in any such area, as the case may be.

Declaration to be made by Judge on appointment.

10. The Chief Justice and every Judge who shall, from time to time, be appointed to the High Court whether permanently or temporarily, shall, previous to entering upon the duties of his office, make and subscribe the following declaration before any one of the Judges of the High Court, or before such authority as the Raj Pramukh may commission in that behalf:—

I, A. B., having been appointed Chief Justice (or a Judge) of the High Court of the United State of Travancore and Cochin do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India and to the Constitution of the United State of Travancore and Cochin, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill and that I will uphold the said Constitutions and laws.

Seal of the High Court.

11. The High Court shall have and use, as occasion may require, a seal bearing the device of the Government of the United State of Travancore and Cochin, with a label surrounding the same, with the inscription: "The Seal of the High Court of Judicature of the United State of Travancore and Cochin". The seal shall be in the custody of the Chief Justice, or in his absence, of the Judge performing the duties of the Chief Justice.

Judge not to plead or act in any court or before any authority after retirement.

12. No person who has held office as a permanent Judge of the High Court after the commencement of this Ordinance shall plead or act in any court or before any authority within the territory of the United State.

Salaries of Judges.

13. The Judges of the High Court shall be entitled to such salaries and allowances and to such rights in respect of leave and pensions as may from time to time be fixed by or under law made by the Legislature of the United State of Travancore and Cochin and until they are so fixed, shall be entitled to such salaries, allowances and rights in respect of leave of absence and pensions as the Raj Pramukh may determine:

Provided that the salary of the Chief Justice shall not be less than Rs. 1,500 per month and the salary of any other Judge of the High Court shall not be less than Rs. 1,000 per month:

Provided further that neither the salary of a Judge nor his rights in respect of leave of absence or pension shall be altered to his disadvantage after his appointment:

Provided further that where a Judge of any of the existing High Courts is appointed as a Judge of the High Court, he shall be entitled for purposes of pension to count the period of his service prior to such appointment under the Government of Travancore or Cochin, as the case may be, and also to any leave he might have earned during that period.

Vacancies in the office of the Chief Justice.

14. (1) If the office of the Chief Justice of the High Court becomes vacant, or if the Chief Justice is by reason of absence, or for any other reason unable to perform the duties of his office, those duties shall, until some person permanently appointed to the vacant office has entered on the duties thereof, or until the Chief Justice has resumed his duties, as the case may be, be performed by such one of the other Judges of the Court as the Raj Pramukh may think fit to appoint as acting Chief Justice, and until such appointment is made, by the senior Judge of the Court present.

Vacancies in the office of any other Judge.

(2) If the office of any other Judge of the High Court becomes vacant, or if any such Judge is appointed to act temporarily as Chief Justice, or is by reason of absence, or for any other reason unable to perform the duties of his office, the Raj Pramukh may appoint a person duly qualified for appointment as a Judge to act as a Judge of the High Court, and the person appointed shall, unless the Raj Pramukh thinks fit to revoke his appointment, be deemed to be a Judge of the High Court until some person permanently appointed to the vacant office has entered on the duties thereof, or until the permanent Judge has resumed his duties.

Chief Justice to regulate work.

15. The Chief Justice shall, from time to time, determine which Judge in each case shall sit alone, and which of the Judges of the Court whether with or without the Chief Justice, shall constitute the several division courts.

Administrative Control of the High Court to vest in Chief Justice.

16. The administrative control of the High Court shall vest in the Chief Justice who may exercise it in such manner and after such consultation with the other Judges, as he may think fit.

Rank of the Chief Justice and the other Judges.

17. (1) The Chief Justice shall have rank and precedence before the other Judges of the High Court.

(2) The other Judges of the High Court shall have rank and precedence according to the seniority of their appointments:

Provided that where more than one Judge is appointed on the same date, their respective rank and precedence shall be such as may be determined by the Raj Pramukh.

PART III.

JURISDICTION OF THE HIGH COURT.

Jurisdiction and powers of the High Court.

18. Subject to the provisions of this Ordinance, the High Court shall have and exercise all the jurisdiction and powers vested in it by this and any other Ordinance and under any law which may hereafter come into force and any power or jurisdiction vested in the existing High Courts by any Act or Proclamation in force in the States of Travancore and Cochin immediately prior to the coming into force of this Ordinance.

References in the existing laws to the High Court.

19. All references in the existing laws of Travancore or the existing laws of Cochin to the High Court shall be construed as references to the High Court constituted under this Ordinance.

Powers of a single Judge.

20. A single Judge of the High Court is empowered—

(1) to call for information from the subordinate courts with a view to superintend their working and to correct errors of procedure or practice ;

(2) to revise calendars and examine the returns in criminal cases submitted by the subordinate courts ;

(3) to examine the returns submitted by the civil courts ;

(4) to hear and decide—

(A) every application—

(i) for determining in which of several courts having jurisdiction a suit shall be heard ;

(ii) for the admission of an appeal presented after the expiry of the period allowed by the Laws of Limitation ;

(iii) for the admission of an appeal in *forma pauperis* ;

(iv) under Section 89 of the Travancore Code of Civil Procedure, 1100, or under Section 95 of the Cochin Code of Civil Procedure, 1111 ;

(v) of an interlocutory character in appeals and other matters pending in the High Court :

Provided that a single Judge shall not have the power to dispose of an application to implead the representative of a deceased appellant or respondent, if it is opposed, in which case the application shall be heard and decided by the Bench competent to hear the case ;

(vi) for the exercise of the High Court of its power to revise the proceedings of any criminal court :

Provided that a single Judge shall not have the power to set aside or modify any order of acquittal or enhance any sentence passed by any criminal court ;

(vii) for the exercise of the powers conferred by Sections 353 and 409 of the Travancore Code of Criminal Procedure or Sections 337 and 398 of the Cochin Code of Criminal Procedure ;

(viii) (*a*) for the transfer of any suit, appeal or other proceeding, or proceedings in execution of a decree, from one of the civil courts subordinate to the High Court to another subordinate civil court competent to try and dispose of the same or to the High Court ;

(*b*) for the re-transfer of any suit, appeal or other proceeding or proceedings in execution of a decree, from the High Court to one of the civil courts subordinate to the High Court and competent to try and dispose of the same ; and

(ix) (a) for the transfer of any enquiry, trial or other proceeding, from one of the criminal courts subordinate to the High Court to another subordinate criminal court competent to enquire into or try and dispose of the same, or to the High Court;

(b) for the re-transfer of any enquiry, trial or other proceeding, from the High Court to one of the criminal courts subordinate to the High Court and competent to enquire into or try and dispose of the same;

(B) every reference by a criminal court for the revision of the proceedings of a subordinate criminal court, provided that a single Judge shall not have the power to set aside or modify any order of acquittal or to enhance any sentence passed by any criminal court.

(C) every appeal from an appellate decree or order, provided that a single Judge shall not have the power to set aside or modify any such decree or order, and provided further, that a single Judge shall not have the power to dismiss the appeal if he is of opinion that the appeal will lie on ground (d) mentioned in sub-section (1) of Section 79 of the Travancore Code of Civil Procedure, 1100 or on ground (d) mentioned in sub-section (1) of Section 85 of the Cochin Code of Civil Procedure, 1111:

Provided always that it shall be lawful for such Judge to refer any such application or appeal for the decision of a Division Bench of two Judges or of a Full Bench;

(5) to withdraw and to try and decide any suit or other proceeding pending in any civil court subordinate to the High Court or to transfer the same to any other civil court competent to try and dispose of the same or to re-transfer the same to the court from which it was withdrawn; and

(6) to withdraw, inquire into, try and decide any inquiry, trial or proceeding pending in any criminal court subordinate to the High Court, or to transfer the same to any other criminal court competent to inquire into or to try and dispose of the same or to re-transfer the same to the court from which it was withdrawn.

Powers of Division Benches of two Judges.

21. A Division Bench, consisting of two Judges of the High Court, is empowered :—

(i) to hear and decide applications or appeals or other proceedings that a single judge may refer under Section 20;

(ii) (a) to hear and decide all appeals, civil and criminal, preferred from the decrees, orders, convictions or sentences of the civil and criminal courts where the same are allowed by law, except the appeals provided for in Section 25;

(b) to hear and decide all appeals preferred from the decrees and from such orders as are provided for in Section 82 and Section 83 of the Travancore and Cochin Codes of Civil Procedure, respectively, of a single judge of the High Court passed in the exercise of original jurisdiction except the appeals provided for in Section 25;

(c) to hear and decide all appeals preferred against convictions or sentences and orders of acquittal passed by a single judge of the High Court in the exercise of original jurisdiction;

(iii) to transfer on its own motion civil or criminal cases from one court to another;

(iv) to dispose of references made by the subordinate courts in non-appealable civil cases, and to revise on its own motion or otherwise, the proceedings of the civil courts in non-appealable cases;

(v) to revise convictions or sentences or orders passed by subordinate criminal courts in cases called up by the High Court on its own motion and to pass orders on references made by subordinate criminal courts;

(vi) to hear and determine applications under Section 402 of the Travancore Code of Criminal Procedure or under Section 391 A of the Cochin Code of Criminal Procedure; and

(vii) to pass orders on all petitions and applications, civil or criminal, not falling under any of the preceding clauses.

Powers of vacation Judges.

22. (1) During the annual recess of the High Court, a single judge of the Court acting as vacation judge and during consecutive holidays of more than three days' duration a single judge of the Court to be nominated by the Chief Justice shall have—

(a) all the powers of the High Court except in cases in which such power must be exercised under any provision of any law by more than one judge, and

(b) the power to make provisional orders in all urgent matters, civil and criminal, and for such purpose to receive appeals, plaints and petitions ordinarily presentable to the subordinate courts:

Provided, however, that such provisional orders shall remain in force until the matter has been heard and decided by the court having jurisdiction.

(2) It shall be competent for the Chief Justice during the annual recess of the High Court or during consecutive holidays of more than three days' duration to constitute a Division Bench or a Full Bench to hear and decide any matter that such Bench is competent to hear and decide otherwise.

Reference by Chief Justice.

23. Where two judges forming a Division Bench agree as to the decree, order or sentence to be passed, their decision shall be final. But if they disagree, they shall deliver separate judgments and thereupon the Chief Justice shall refer, for the opinion of another judge, the matter or matters on which such disagreement exists, and the decree, order or sentence shall follow the opinion of the majority of the judges hearing the case.

Reference to a Full Bench.

24. Any case, civil or criminal of a special or novel character, or involving an important point of law, may be referred to a Full Bench for hearing and decision either by the Chief Justice before the case is heard by a Division Bench of two Judges or by such Bench when hearing the case. The decision of the Full Bench, or in case of a difference of opinion, the decision of the majority shall be final:

Provided that the judges of the Division Bench may direct that any civil appeal falling under Section 21 be heard and decided along with any appeal falling under Section 25, if, in their opinion, both the appeals are connected with each other.

Civil appeals of Rupees five thousand and upwards.

25. A Full Bench shall hear and decide all appeals from the decrees of the District Courts or the court of a Subordinate Judge or of a single Judge of the High Court in suits in which the amount or value of the subject-matter is not less than five thousand rupees and the amount or value of the matter in appeal is not less than that sum.

Explanation I. For the purpose of this section :—

(a) the value of a suit or appeal shall be determined with reference to the provisions of the Travancore Suits Valuation Act or the Cochin Court Fees Act, as the case may be ;

(b) all the appeals preferred against one and the same decree shall be treated as one appeal ;

(c) objections filed by the respondents under Order XL, Rule 21, of the Travancore Code of Civil Procedure or under Order XLI, Rule 22, of the Cochin Code of Civil Procedure shall be treated as an appeal.

Explanation II. Orders of remand, orders of dismissal for default and orders of abatement consequent on the death of parties under the Travancore or Cochin Codes of Civil Procedure shall not be deemed decrees within the meaning of this section.

Review of judgment.

26. In cases decided under Section 25 of this Ordinance, a Full Bench of the High Court may admit a review of judgment subject to the provisions of the Travancore and Cochin Codes of Civil Procedure.

PART IV.

Administrative Functions of the High Court.

Powers of High Court over subordinate Courts.

27. (1) The High Court shall have superintendence over all courts subordinate to it throughout the United State of Travancore and Cochin.

(2) It shall be competent for the High Court to depute a judge of the said court to visit the subordinate courts, to correct the errors of their procedure and practice, and generally to examine and report on the working of the subordinate courts.

(2) Without prejudice to the generality of the foregoing provisions, the High Court may –

(a) call for returns from such courts;

(b) direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction, or withdraw such suit or appeal from any such court to itself;

(c) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(d) prescribe forms in which books, entries and accounts, shall be kept by the officers of any such courts.

The administrative expenses of the High Court.

28. The administrative expenses of the High Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the court and the salaries and allowances of the Judges of the court, shall be charged on the revenues of the United State of Travancore and Cochin and any fees or other moneys taken by the court shall form part of those revenues.

PART V.

Miscellaneous.

Constitution of Full Bench of the High Court.

29. A Full Bench of the High Court shall consist of an uneven number of Judges not less than three.

Regulation of business in the High Court.

30. The conduct of the business in the High Court shall be regulated by the Chief Justice and in his absence by the senior Judge of the court present until another Judge is appointed by the Raj Pramukh to perform the duties of the Chief Justice.

Power to make rules.

31. The High Court shall have power to make rules not inconsistent with this Ordinance or any other Ordinance, Act, or Proclamation in force in the United State, so as to regulate the procedure in the High Court and in the subordinate courts. Such rules shall be published in the Gazette of the United State.

Advocates.

32. All Advocates on the rolls of the existing High Courts shall be entitled as of right to practise in the High Court and the courts subordinate thereto.

SIGN MANUAL

PRINTED AND PUBLISHED BY THE SUPERINTENDENT GOVERNMENT PRESS, TRIVANDRUM, 1949.

REGISTERED No. T. 10. REGISTERED No. M. 4634.

GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

MONDAY, 4TH JULY 1949/20TH MITHUNAM 1124.

ORDINANCE No. III OF 1124.

Whereas for the peace and good Government of the United State of Travancore and Cochin (hereinafter in this Ordinance referred to as the United State) it is necessary to make certain temporary provisions for the conduct of business in the Legislative Assembly of the United State.

Now therefore in exercise of the powers conferred by Article XI of the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the United State:

His Highness the Raj Pramukh is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the United State of Travancore and Cochin Legislative Assembly Ordinance, 1124;

(2) It extends to the whole of the United State of Travancore and Cochin.

(3) It shall come into force at once.

2. The first meeting of the Legislative Assembly of the United State, hereinafter in this Ordinance referred to as the Legislative Assembly, shall be held in the Legislative Chamber at Trivandrum on such date and at such time as may be fixed by the Raj Pramukh and shall be summoned under the authority of the Raj Pramukh by the Chief Secretary to the Government of the United State.

3. A person commissioned by the Raj Pramukh in this behalf shall preside over the first meeting until the time a Speaker of the Legislative Assembly is duly elected in accordance with the provisions of this Ordinance.

4. Every member of the Legislative Assembly shall before taking his seat make at the meeting of the Legislative Assembly an oath or affirmation in the following form and shall sign the Register of members of the Legislative Assembly kept for the purpose:—

"I A. B. a member of the Legislative Assembly of the United State of Travancore and Cochin do solemnly swear (or affirm) that I will bear true faith and allegiance to the Constitution of India and to the Constitution of the United State of Travancore and Cochin as by law established and that I will faithfully discharge the duties upon which I am about to enter."

5. At any time before 3 P. M. on the day on which the Legislative Assembly meets for the first time any member may nominate another member for election as Speaker by delivering to the President a nomination paper signed by the proposer and by a third member as seconder and stating—

(a) the name of the member nominated; and

(b) that the proposer has ascertained that the member nominated by him is willing to serve as the Speaker if elected.

6. Any member who has been nominated may withdraw his candidature at any time before the Legislative Assembly proceeds to hold the election.

7. The President shall read out to the Legislative Assembly the names of the members who have been duly nominated together with those of their proposers and seconders and if only one member has been so nominated shall declare that member to be duly elected as Speaker of the Legislative Assembly. If more than one member has been so nominated, the Legislative Assembly shall proceed to elect the Speaker by ballot on the same day or on another day to be fixed by the President.

8. For the purpose of Section 7, a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not taken the oath and signed the Register of members of the Legislative Assembly.

9. Where only two candidates are nominated for election as the Speaker, the candidate who obtains at the ballot the larger number of votes shall be declared elected by the President. If they obtain an equal number of votes, the election shall be by the drawing of lots.

10. Where more than two candidates have been nominated for election as the Speaker and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election, and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates as the case may be, and such candidate shall be declared elected.

11. Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under Section 9, the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by the drawing of lots. Where there is an equality of votes between the only two candidates remaining after exclusion, the determination as between them as to who should be excluded shall be by the drawing of lots.

12. As soon as the election of the Speaker is declared by the President, the Speaker shall occupy the Chair and thereafter the proceedings of the Legislative Assembly shall be conducted by him.

൧൧൨൪-ലെ III-ാംനമ്പർ അടിയന്തിരനിയമം.

(ഈ അടിയന്തിരനിയമത്തിൽ ഇതിനുശേഷം ഐക്യസംസ്ഥാനം എന്നു പറഞ്ഞിരിക്കുന്ന) തിരുവിതാംകൂർ-കൊച്ചി ഐക്യസംസ്ഥാനത്തിന്റെ സമാധാനത്തിനും സൽഭരണത്തിനുമായി ഐക്യസംസ്ഥാനനിയമസഭയുടെ കൃത്യനിർവഹണത്തിനു ചില താൽക്കാലിക വ്യവസ്ഥകൾ ചെയ്യുന്നതു് ആവശ്യമായിരിക്കകൊണ്ടു്:

ഇപ്പോൾ അതിനാൽ, ഐക്യസംസ്ഥാന രൂപവൽക്കരണത്തിനു തിരുവിതാംകൂർ-കൊച്ചി നാട്ടുരാജ്യങ്ങൾ തമ്മിലുള്ള ഉടമ്പടിയിലെ ൧൧-ാം വകുപ്പു നൽകിയിട്ടുള്ള അധികാരങ്ങൾ വിനിയോഗിച്ചു്,

രാജപ്രമുഖൻ തിരുമനസ്സുകൊണ്ടു് താഴെപ്പറയുന്ന അടിയന്തിരനിയമം നിർമ്മിച്ചു പ്രസിദ്ധപ്പെടുത്തിയിരിക്കുന്നു:—

൧. (൧) ഈ അടിയന്തിരനിയമത്തിനു ൧൧൨൪-ലെ തിരുവിതാംകൂർ-കൊച്ചി ഐക്യസംസ്ഥാന നിയമസഭാ അടിയന്തിരനിയമം എന്നു പേർ പറയാവുന്നതാണു്.

(൨) ഇതു തിരുവിതാംകൂർ-കൊച്ചി ഐക്യസംസ്ഥാനമൊട്ടുക്കു ഉൾപ്പെട്ടിരിക്കുന്നതാണു്.

(൩) ഇതു് ഉടൻ നടപ്പിൽ വരുന്നതാണു്.

൨. ഈ അടിയന്തിരനിയമത്തിൽ ഇതിനുശേഷം നിയമസഭ എന്നു പറഞ്ഞിരിക്കുന്ന ഐക്യസംസ്ഥാനനിയമസഭയുടെ ആദ്യയോഗം രാജപ്രമുഖൻ നിശ്ചയിക്കാവുന്ന തീയതിയിലും സമയത്തും തിരുവനന്തപുരത്തു നിയമസഭാമന്ദിരത്തിൽ കൂടേണ്ടതും, രാജപ്രമുഖൻ അധികാരപ്പെടുത്തുന്നതനുസരിച്ചു് ഐക്യസംസ്ഥാനത്തെ ചീഫ് സെക്രട്ടറി വിളിച്ചുകൂട്ടേണ്ടതും ആകുന്നു.

൩. ഇതിലേക്കായി രാജപ്രമുഖൻ നിയോഗിക്കുന്ന ആൾ ഒരു നിയമസഭാസ്പീക്കറെ ഈ അടിയന്തിരനിയമത്തിലെ വ്യവസ്ഥകളനുസരിച്ച് നിയമസഭ യഥാവിധി തിരഞ്ഞെടുക്കുന്ന സമയംവരെ അതിന്റെ യോഗങ്ങളിൽ അദ്ധ്യക്ഷത വഹിക്കേണ്ടതാണ്.

൪. നിയമസഭയിലെ ഓരോ അംഗവും ആസനസ്ഥനാകുംമുമ്പ് നിയമസഭായോഗത്തിൽ വച്ച് താഴെപ്പറയുന്ന രൂപത്തിൽ ഒരു സത്യപ്രതിജ്ഞയോ ദൃഢപ്രതിജ്ഞയോ ചെയ്യേണ്ടതും, ഇക്കാര്യത്തിലേക്കായി സൂക്ഷിച്ചിട്ടുള്ള അംഗങ്ങളുടെ രജിസ്റ്ററിൽ ഒപ്പുവയ്ക്കേണ്ടതും ആകുന്നു:—

"എ. ബി. യും തിരുവിതാംകൂർ—കൊച്ചി ഐക്യസംസ്ഥാന നിയമസഭയിലെ ഒരു അംഗവും, ആയ ഞാൻ നിയമപ്രകാരം ഏർപ്പെടുത്തിയിട്ടുള്ള ഇന്ത്യൻ ഭരണഘടനയോടും, തിരുവിതാംകൂർ—കൊച്ചി ഐക്യസംസ്ഥാന ഭരണഘടനയോടും യഥാർത്ഥമായ ഭക്തിവിശ്വാസങ്ങളോടു വർത്തിക്കുമെന്നും, ഞാൻ ഏറ്റെടുക്കുവാൻ പോകുന്ന കർത്തവ്യങ്ങളെ വിശ്വസ്തതയോടെ നിർവഹിക്കുമെന്നും ഭക്തിപുരസ്സരം സത്യപ്രതിജ്ഞ ചെയ്യുന്നു (അല്ലെങ്കിൽ ദൃഢപ്രതിജ്ഞ ചെയ്യുന്നു.)"

൫. നിയമസഭ ആദ്യമായി സമ്മേളിക്കുന്ന ദിവസം പകൽ ൩. മണിക്കുമുമ്പ് ഏതുസമയത്തെങ്കിലും, ഒരു അംഗത്തിന് സ്പീക്കറായി തിരഞ്ഞെടുക്കപ്പെടുന്നതിന് വേറൊരംഗം നിർദ്ദേശകനും അനുവാദകനായി മൂന്നാമതൊരംഗവും ഒപ്പിട്ടിട്ടുള്ളതും,

(എ) നാമനിർദ്ദേശം ചെയ്യപ്പെടുന്ന അംഗത്തിന്റെ പേരും,

(ബി) നാമനിർദ്ദേശം ചെയ്യുന്ന അംഗത്തിനു തിരഞ്ഞെടുക്കപ്പെട്ടാൽ സ്പീക്കറായി സേവിക്കുവാൻ സമ്മതമാണെന്ന് നിർദ്ദേശകൻ ഉറപ്പു വരുത്തിയിട്ടുണ്ടെന്നും;

പ്രസ്താവിക്കുന്നതുമായ ഒരു നാമനിർദ്ദേശപത്രിക അദ്ധ്യക്ഷനെ ഏൽപ്പിച്ച്,

നാമനിർദ്ദേശം ചെയ്യാവുന്നതാണ്.

൬. നാമനിർദ്ദേശം ചെയ്യപ്പെട്ടിട്ടുള്ള ഏതംഗത്തിനും, തിരഞ്ഞെടുപ്പു നടത്താൻ സഭ ആരംഭിക്കുന്നതിനു മുമ്പ് ഏതു സമയത്തും തന്റെ സ്ഥാനാർത്ഥിത്വം പിൻവലിക്കാവുന്നതാണ്.

൭. അദ്ധ്യക്ഷൻ, യഥാവിധി നാമനിർദ്ദേശം ചെയ്യപ്പെട്ടിട്ടുള്ളവരുടെ പേരുകൾ, അവരുടെ നിർദ്ദേശകന്മാരുടെയും അനുവാദകന്മാരുടെയും പേരുകൾ സഹിതം, നിയമസഭയിൽ വായിക്കേണ്ടതും, അപ്രകാരം ഒരു അംഗത്തെ മാത്രമേ നാമനിർദ്ദേശം ചെയ്തിട്ടുള്ളുവെങ്കിൽ ആ അംഗത്തെ നിയമസഭാസ്പീക്കറായി യഥാവിധി തിരഞ്ഞെടുത്തിരിക്കുന്നതായി പ്രഖ്യാപനം ചെയ്യേണ്ടതും ആകുന്നു. ഒന്നിലധികം അംഗങ്ങളെ അപ്രകാരം നാമനിർദ്ദേശം ചെയ്തിട്ടുണ്ടെങ്കിൽ, നിയമസഭ അനന്തരമായോ, അദ്ധ്യക്ഷൻ നിശ്ചയിക്കുന്ന വേറൊരു ദിവസമോ വോട്ടെടുപ്പുമൂലം സ്പീക്കറെ തിരഞ്ഞെടുക്കേണ്ടതാകുന്നു.

൮. ൭-ാം വകുപ്പിന്റെ കാര്യത്തിന്, ഒരു അംഗവും, അയാളുടെ നിർദ്ദേശകനും അനുവാദകനും സത്യപ്രതിജ്ഞ ചെയ്തിട്ടില്ലെങ്കിലും നിയമസഭാംഗങ്ങളുടെ രജിസ്റ്ററിൽ ഒപ്പുവച്ചിട്ടില്ലെങ്കിലും, ആ അംഗത്തെ യഥാവിധി നാമനിർദ്ദേശം ചെയ്തതായോ, അയാൾക്കു വോട്ടു ചെയ്യാൻ അർഹതയുള്ളതായോ പരിഗണിക്കാൻ പാടുള്ളതല്ല.

൯. സ്പീക്കറായി തിരഞ്ഞെടുക്കപ്പെടുന്നതിനു രണ്ടു സ്ഥാനാർത്ഥികളെ മാത്രം നാമനിർദ്ദേശം ചെയ്തിരിക്കുമ്പോൾ, വോട്ടെടുപ്പിൽ കൂടുതൽ വോട്ടു കിട്ടുന്ന സ്ഥാനാർത്ഥിയെ തിരഞ്ഞെടുത്തിരിക്കുന്നതായി അദ്ധ്യക്ഷൻ പ്രഖ്യാപനം ചെയ്യേണ്ടതാകുന്നു. അവർക്ക് തുല്യസംഖ്യയിൽ വോട്ടുകിട്ടുന്നപക്ഷം, തിരഞ്ഞെടുപ്പ് നറുക്കെടുത്തായിരിക്കേണ്ടതാണ്.

൧൦. സ്പീക്കറായി തിരഞ്ഞെടുക്കപ്പെടുന്നതിനു രണ്ടു സ്ഥാനാർത്ഥികളിലധികം പേർ നാമനിർദ്ദേശം ചെയ്യപ്പെട്ടിരിക്കയും, ആദ്യ വോട്ടെടുപ്പിൽ ഒരു സ്ഥാനാർത്ഥിക്കു മറ്റു സ്ഥാനാർത്ഥികൾക്കു കിട്ടിയിട്ടുള്ള മൊത്തം വോട്ടുകളിൽ കൂടുതൽ വോട്ടുകൾ കിട്ടാതിരിക്കയും ചെയ്താൽ, ഏറ്റവും കുറവായി വോട്ടുകൾ കിട്ടിയിട്ടുള്ള സ്ഥാനാർത്ഥിയെ തിരഞ്ഞെടുപ്പിൽ നിന്ന് ഒഴിവാക്കേണ്ടതും, ഓരോ വോട്ടെടുപ്പിലും ഏറ്റവും കുറവായി വോട്ടുകൾ കിട്ടുന്ന സ്ഥാനാർത്ഥിയെ തിരഞ്ഞെടുപ്പിൽ നിന്നു ഒഴിവാക്കിക്കൊണ്ട് സന്ദർഭാനുസാരേണ, ഒരു സ്ഥാനാർത്ഥിക്കു ശേഷിച്ച സ്ഥാനാർത്ഥിക്കോ, ശേഷിച്ച സ്ഥാനാർത്ഥികളുടെ മൊത്തം വോട്ടിനേക്കാളോ കൂടുതൽ വോട്ടുകൾ കിട്ടുന്നതുവരെ വോട്ടെടുപ്പ് തുടരേണ്ടതും, അപ്രകാരമുള്ള സ്ഥാനാർത്ഥി തിരഞ്ഞെടുക്കപ്പെട്ടിരിക്കുന്നതായി പ്രഖ്യാപനം ചെയ്യേണ്ടതും ആകുന്നു.

൧൧. ഏതെങ്കിലും വോട്ടെടുപ്പിൽ, രണ്ടോ അധികമോ സ്ഥാനാർത്ഥികൾക്ക് തുല്യസംഖ്യയിൽ വോട്ടു കിട്ടുകയും, അവരിലൊരാളെ ൧൦-ാം വകുപ്പിൻപ്രകാരം തിരഞ്ഞെടുപ്പിൽനിന്ന് ഒഴിക്കേണ്ടിയിരിക്കയും ചെയ്താൽ, വോട്ടു തുല്യമായിരിക്കുന്ന സ്ഥാനാർത്ഥികളെ സംബന്ധിച്ചിടത്തോളം, ഒഴിക്കേണ്ട സ്ഥാനാർത്ഥി ആരെന്ന് തീരുമാനിക്കുന്നതു നറുക്കെടുത്തായിരിക്കേണ്ടതാണ്. ഒഴിവാക്കിയശേഷം ശേഷിക്കുന്ന രണ്ടു സ്ഥാനാർത്ഥികൾക്കു വോട്ടു തുല്യമായിരുന്നാൽ, അവരിൽ ആരെ ഒഴിവാക്കണമെന്നു് നറുക്കെടുത്തു നിശ്ചയിക്കേണ്ടതാകുന്നു.

൧൨. അദ്ധ്യക്ഷൻ സ്പീക്കറുടെ തിരഞ്ഞെടുപ്പു പ്രഖ്യാപനം ചെയ്തുകഴിഞ്ഞാലുടൻതന്നെ, സ്പീക്കർ അഗ്രാസനസ്ഥനാകേണ്ടതും അനന്തരം നിയമസഭാനടപടികൾ തുടർന്നു നടത്തേണ്ടതും ആകുന്നു.

1124-ஆம் ஆண்டத்து 3-ஆவது அவசரச்சட்டம்.

திருவிதாங்கூர் கொச்சி ஐக்கிய சமஸ்தானத்தின் (இனி இந்த அவசரச்சட்டத்தில் ஐக்கிய சமஸ்தானமென்று சொல்லப்படுகிறது) அமைதிக்காகவும் நல்லாட்சிக்காகவும் ஐக்கிய சமஸ்தானத்தின் சட்ட நிருபண அஸெம்பிளியினுடைய அலுவல்கள் நடக்கும் பொருட்டு சில தற்காலிக நிபந்தனைகள் ஏற்படுத்துவது அவசியமாயிருக்கிறபடியால்,

இப்பொழுது ஐக்கிய சமஸ்தானம் உருவாக்கும் பொருட்டு திருவிதாங்கூர்-கொச்சி அரசர்களால் செய்துகொள்ளப்பட்ட உடன்படிக்கையின் 11-ஆவது நிபந்தனையின் மூலம் நல்கப்பட்டுள்ள அதிகாரங்களைச் செலுத்தி

ராஜப்பிரமுகர் திருவுளங்கொண்டு அடியிற் காணும் அவசரச்சட்டத்தை இயற்றி பிரசித்தம் செய்துள்ளார்:—

1. (1) இந்த அவசரச்சட்டத்தை 1124-ஆம் ஆண்டத்திய திருவிதாங்கூர்-கொச்சி ஐக்கிய சமஸ்தானத்தின் சட்டநிருபண அஸெம்பிளி பற்றிய அவசரச்சட்டம் என்று கூறலாம்.

(2) இது திருவிதாங்கூர்-கொச்சி ஐக்கிய சமஸ்தானம் முழுவதுக்கு வியாபிக்கும்.

(3) இது உடனே அமுலுக்கு வரவேண்டும்.

2. இவ் அவசரச் சட்டத்தில் இனிமேல் சட்ட நிருபண சபை என்று சொல்லப்பட்டிருக்கிற ஐக்கிய சமஸ்தான சட்டநிருபண சபையின் முதலாவது கூட்டம், ராஜப்பிரமுகரால் நிர்ணயிக்கப்படக்கூடியவாறுள்ள தேதியிலும் சமயத்திலும் திருவனந்தபுரத்துள்ள சட்ட சபா மன்றத்தில் வைத்துக் கூடவேண்டியது மன்றி, ராஜப்பிரமுகரின் உத்தரவின் பேரில் ஐக்கிய சமஸ்தான கவெர்ண்மென்ட் ஸெக்ரெட்டறியால் கூட்டப்பெறவும் வேண்டும்.

3. இது விஷயமாய் ராஜப்பிரமுகரால் நேமிக்கப்படும் ஒரு நபர் இவ் அவசரச்சட்டத்தின் நிபந்தனைகளனுசரித்து சட்டநிருபண அஸெம்பிளியின் சபாநாயகர் முறைப்படி தேர்ந்தெடுக்கப்படும் வரையில் தலைமை வகிக்கவேண்டும்.

4. சட்டநிருபண அஸெம்பிளியின் ஒவ்வொரு அங்கத்தினரும், தமது இருப்பிடத்திற்கு சென்று அமருமுன் சட்டநிருபண அஸெம்பிளிக் கூட்டத்தில் வைத்து அடியிற்கண்ட விதத்தில் சத்தியம் அல்லது உறுதிமொழி செய்யவேண்டியதுமன்றி, இதற்கென வைத்திருக்கப்படும் சட்டநிருபண அஸெம்பிளி அங்கத்தினர்களது ரெஜிஸ்தரில் கையொப்பமிடவும் வேண்டும்:—

"திருவிதாங்கூர் கொச்சி ஐக்கிய சமஸ்தானத்தின் சட்ட நிருபண அஸெம்பிளி அங்கத்தினராகிய A. B. என்ற நான், இந்திய அரசியலமைப்பினிடமும் சட்டப்படி ஏற்படுத்தப்பட்டவாறுள்ள திருவிதாங்கூர்-கொச்சி ஐக்கிய சமஸ்தானத்தின் அரசியலமைப்பினிடமும் உத்தம நம்பிக்கையும் விசுவாசமும் கொண்டு: நான் தலைப்படப்போகும் கடமைகளை நேர்மையுடன் நிறைவேற்றுவேன் என்று பயபக்தியோடு சத்தியம் (அல்லது உறுதிமொழி) செய்கிறேன்."

5. சட்ட நிருபண அஸெம்பிளி முதல் தடவையாகக் கூடும் தினத்தில் பிற்பகல் 3 மணிக்கு முன் எப்போதாகிலும், யாதொரு அங்கத்தினர் வேறொரு அங்கத்தினரை சபாநாயகர் ஸ்தானத்துக்காக நேமனஞ்செய்யலாம். இது பிரேரிப்பவராலும் ஆமோதிப்பவராக உள்ள மூன்றாவது ஒரு அங்கத்தினராலும் கையொப்பமிடப்பெற்று—

(a) நேமனஞ்செய்யப்படும் அங்கத்தினரது பெயரையும்,

(b) தேர்ந்தெடுக்கப்பெற்றால் சபா நாயகராய் சேவை புரிய தம்மால் நேமனஞ்செய்யப்பட்டிருப்பவருக்குச் சம்மதந்தான் என்பதை பிரேரிப்பவர் கேட்டுத்தெரிந்து கொண்டிருப்பதாகவும்,

கூறும் ஒரு கையெழுத்தான தலைவரிடம் சேர்ப்பிப்பதன்மூலம், செய்யப்படவேண்டும்.

6. அஸெம்பிளி தேர்தலை நடத்த ஆரம்பிக்குமுன் எப்போதாகிலும், நேமனஞ்செய்யப்பட்டுள்ள யாதொரு நபர் தமது அபேட்சகர் பதவியை பின்வலித்துக்கொள்ளலாம்.

7. முறைப்படி நேமனஞ் செய்யப்பட்டுள்ள அங்கத்தினர்களது பெயர்களையும், அவர்களை பிரேரித்தவர்கள் ஆமோதித்தவர்கள், ஆகியோரது பெயர்களையும் தலைவர் சட்டநிருபண அஸெம்பிளிக்கு வாசித்துக்காட்டுவார்; அங்ஙனம் ஒரு அங்கத்தினர் மாத்திரம் நேமனஞ்செய்யப்பட்டிருந்தால், சட்ட நிருபண அஸெம்பிளியின் சபாநாயகராய் அந்த அங்கத்தினர் முறைப்படி தேர்ந்தெடுக்கப்பட்டுள்ளார் என்று தலைவர் அறிவிப்பார். ஒன்றுக்கு மேற்பட்ட அங்கத்தினர்கள் அங்ஙனம் நேமிக்கப்பட்டிருந்தால், அதே தினத்திலாவது தலைவர் நிச்சயிக்கக்கூடிய வேறொரு தினத்திலாவது, பலமுறைவாக்கு மூலம் சட்ட நிருபண அஸெம்பிளியானது சபாநாயகரைத் தேர்ந்தெடுக்க முற்படும்.

8. 7-வது வகுப்பின் காரியத்துக்காக, ஒரு அங்கத்தினர், அவரும் அவரைப் பிரேரிப்பவரும் ஆமோதிப்பவரும் பிரமாணஞ்செய்து சட்டநிரூபண அசெம்பிளி அங்கத்தினரின் ரெஜிஸ்டரில் கையெழுத்து இட்டிருக்கவில்லையானால், முறைப்படி நேமகஞ் செய்யப்பட்டுள்ளவராக அல்லது ஓட்டு செய்ய உரிமையுள்ளவராகக் கருதப்படமாட்டார்.

9. சபா நாயகர் தேர்தலுக்கு இரண்டு அபேட்சகர் மாத்திரமே நேமகம் செய்யப்பட்டிருக்கும்பட்சத்து, மறைவாக்கில் கூடுதல் ஓட்டுகள் கிடைத்த அபேட்சகரை தேர்ந்தெடுத்திருப்பதாக தலைவர் அறிவிப்பார். அவர்களுக்கு சமமான ஓட்டுகள் கிடைக்குமானால் திருவுளச்சீட்டு எடுப்பதன் மூலம் தேர்தல் நடக்கவேண்டும்.

10. சபா நாயகர் தேர்தலுக்கு இரண்டுக்கு மேற்பட்ட அபேட்சகர்கள் நேமகஞ் செய்யப்பட்டிருந்தால், முதலாவது மறைவாக்கெடுப்பில், எந்த அபேட்சகருக்கும் மற்ற அபேட்சகர்களுக்குக் கிடைத்த மொத்தம் ஓட்டுகளைவிடக் கூடுதல் ஓட்டுகள் கிடைக்கவில்லையானால், மிகக் குறைந்த சங்கியை ஓட்டுகள் பெற்ற அபேட்சகர் தேர்தலிலிருந்து விலக்கிவிடவேண்டும்; இங்ஙனம் ஒவ்வொரு மறைவாக்கெடுப்பிலும் மிகக் குறைந்த சங்கியை ஓட்டுகள் பெற்ற அபேட்சகரை விலக்கி விலக்கி கடைசியில், ஒரு அங்கத்தினருக்கு, சந்தர்ப்பம்போல் எஞ்சியிருக்கும் அபேட்சகரைவிடவோ மீதியிருக்கும் அபேட்சகர்களது மொத்த ஓட்டுகளைவிடவோ கூடுதல் ஓட்டுகள் கிடைக்கும் வரையில் மறைவாக்கெடுப்பு நடத்தி, அந்த அபேட்சகர் தேர்ந்தெடுக்கப்பட்டதாக அறிவிக்கப்படவேண்டும்.

11. ஏதாவதொரு மறைவாக்கெடுப்பில் ஏதாகிலும் மூன்று அல்லது கூடுதல் அபேட்சகர்கள் சமசங்கியையுள்ள ஓட்டுகள் பெற்றிருந்து அவர்களில் ஒருவர் 9-வது வகுப்பின்படி தேர்தலிலிருந்து விலக்கப்படவேண்டியிருக்கும்பட்சத்து, சம ஓட்டுகளுடைய அபேட்சகருள் விலக்கப்படவேண்டிய அபேட்சகரை நிச்சயிப்பது திருவுளச்சீட்டு எடுப்பதன் மூலமாயிருக்கவேண்டும். விலக்குதலின் பிறகு, எஞ்சியுள்ள இரு அபேட்சகர்களுக்கும் சமமான ஓட்டுகளிருந்தால், அவர்களுள் யாரை விலக்குவது என்பதை நிச்சயிப்பது திருவுளச்சீட்டு எடுப்பது மூலமாயிருக்கவேண்டும்.

12. சபா நாயகர் தேர்ந்தெடுக்கப்பட்டதை தலைவர் அறிவித்த உடன்தானே சபா நாயகர் அக்கிராசனத்தை ஏற்கவேண்டும்; அதன்பின், சட்டநிரூபண சபையின் நடவடிக்கைகள் அவரால் நடத்தப்படவேண்டும்.

RAMA VARMA,
Raj Pramukh.

ORDINANCE No. IV OF 1124.

Whereas for the peace and good Government of the United State of Travancore and Cochin it is necessary to make temporary provisions for the management of the Hindu Religious Institutions in the United State until the Devaswom Boards are constituted under Article VIII of the Covenant. Now therefore in exercise of the powers conferred by Article XI of the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the United State:

His Highness the Raj Pramukh is hereby pleased to make and promulgate the following Ordinance:—

1. The Administration of Sri Padmanabhaswamy Temple, the Sri Pandaravaga, the Incorporated and Un-incorporated Devaswoms and of Hindu Religious Institutions and Endowments and of all their properties and funds as well as the fund constituted under the Devaswom Proclamation, 1097 M. E., and the surplus fund constituted under the Devaswom (Amendment) Proclamation, 1122 M. E., which immediately prior to the first day of July 1949 were under the management of His Highness the Maharaja of Travancore shall with effect from the first day of July 1949 continue to be carried on as heretofore by His Highness the Maharaja of Travancore until the first day of August 1949 and His Highness shall, during the aforesaid period, also exercise the powers vested under the provisions of the Hindu Religious Endowments Act of 1079 M. E. in His Highness the Maharaja of Travancore and the powers vested in Government under the Proclamations dated the 1st of Edavom 1068 and the 29th of Medom 1088 and any other law in respect of Hindu Religious Institutions.

2. The Administration of the Incorporated and Un-incorporated Devaswoms and Hindu Religious Institutions which were under the management of His Highness the Maharaja of Cochin immediately prior to the first day of July, 1949, and of all their properties and funds and of the Estates under the management of the Devaswom Department shall, with effect from the first day of July 1949, be carried on subject to the control of His Highness the Maharaja of Cochin as heretofore by Sree L. Madhava Panicker until the first day of August, 1949, and he shall during the aforesaid period, also exercise the powers vested in the Executive Authority under the provisions of the Cochin Hindu Religious Institutions Act, I of 1081 M. E.

RAMA VARMA,
Raj Pramukh.

NOTIFICATION.

Under sub-section (1) of Section 8 of the United State of Travancore and Cochin Administration and Application of Laws Ordinance, 1124 (I of 1124), His Highness the Raj Pramukh is pleased by this order to designate the Chief Secretary to the Government of the United State as the officer to represent the Government of the United State in legal proceedings taken by or against the Government of Travancore or the Government of Cochin prior to the first day of July 1949 and which are continued under the said sub-section.

Trivandrum,
4th July 1949.

RAMA VARMA,
Raj Pramukh.

NOTIFICATION.

Under sub-section (2) of Section 8 of the United State of Travancore and Cochin Administration and Application of Laws Ordinance, 1124 (I of 1124), His Highness the Raj Pramukh is pleased by this order to designate the Chief Secretary to the Government of the United State as the officer by or against whom suits by or against the Government of the United State shall be instituted.

Trivandrum,
4th July 1949.

RAMA VARMA,
Raj Pramukh.

R. O. C. No. 4031/49/Legis.

NOTIFICATION.

In pursuance of Section 2 of the United State of Travancore and Cochin Legislative Assembly Ordinance No. III of 1124 dated 20th Mithunam 1124 His Highness the Raj Pramukh has been pleased to direct that the first meeting of the Legislative Assembly of the United State of Travancore and Cochin shall be held in the Legislative Chamber, Trivandrum at 11·00 A. M. on Monday the 27th day of Mithunam 1124 corresponding to the 11th day of July 1949.

൧൧൨൪-ാമാണ്ട് മിഥുനമാസം ൨൦-ാം തീയതിയിലെ ൧൧൨൪-ലെ III-ാം നമ്പർ തിരുവിതാംകൂർ-കൊച്ചി ഐക്യസംസ്ഥാനനിയമസഭാ അടിയന്തിരനിയമം ൨-ാം വകുപ്പനുസരിച്ച്, രാജപ്രമുഖൻ തിരുമനസ്സുകൊണ്ട് തിരുവിതാംകൂർ-കൊച്ചി ഐക്യസംസ്ഥാനനിയമസഭയുടെ ഒന്നാമത്തെ യോഗം ൧൯൪൯ ജൂലൈ ൧൧-ാം തീയതിക്കു ശരിയായ ൧൧൨൪ മിഥുനം ൨൭-ാം തീയതി തിങ്കളാഴ്ച പകൽ ൧൧ മണിക്ക് തിരുവനന്തപുരം നിയമസഭാമന്ദിരത്തിൽ കൂടേണ്ടതാണെന്നു നിശ്ചയിച്ചിരിക്കുന്നു.

திருவிதாங்கூர்—கொச்சி ஐக்கிய சமஸ்தானத்தின் சட்ட நிரூபண அஸெம்பிளியின் முதலாவது கூட்டம், திருவனந்தபுரத்திலே சட்டசபா மண்டபத்தில் 1949 ஜூலை 11-ம் தேதிக்குச் சரியான 1124 ஆனி 27-ம் தேதி திங்கட்கிழமையன்று கூடும் என 1124 ஆனி 20 தேதிய 1124-ம் ஆண்டத்திய திருவிதாங்கூர்—கொச்சி ஐக்கிய சமஸ்தானத்தின் சட்ட நிரூபண அஸெம்பிளி பற்றிய 3-வது அவசரச் சட்டம், 2-வது வகுப்பின்படி ராஜப்பிரமுகர் திருவுள்ளங்கொண்டு கட்டளையிட்டுள்ளார்.

Huzur Cutcherry,
Trivandrum, 4th July 1949.

C. KUMARA DAS,
Chief Secretary to Government.

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R. Dis. No. 442/49/Lab.

NOTIFICATION.

In exercise of the powers conferred by Section 38 of the Travancore Industrial Disputes Act 1124 (Act VI of 1124) the Government of His Highness the Maharaja are pleased to make the following rules the same having been previously published as required by Sub-section (1) of Section 38 of the said Act.

(By order)

Huzur Cutcherry,
Trivandrum, 28th June 1949.

K. R. DAMODARAN PILLAI,
Secretary to Government.

THE TRAVANCORE INDUSTRIAL DISPUTES, RULES 1124.

PRELIMINARY.

1. *Title and application.*—(1) These rules may be called the Travancore Industrial Disputes Rules, 1124.

(2) They extend to the whole of Travancore and shall also apply in relation to all industries, businesses and undertakings carried on by or under the authority of the Government.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context:—

(a) "Act" means the Travancore Industrial Disputes Act, 1124.

(b) "Chairman" means the chairman of a Board, Court or Tribunal or, if the Court or Tribunal consists of one person only, such person;

(c) "Committee" means a Works Committee constituted under sub-section (1) of Section 3 of the Act.

(d) "Form" means a form in the Schedule to these rules;

(e) "Section" means a section of the Act.

PART I.

PROCEDURE FOR REFERENCE OF INDUSTRIAL DISPUTES TO BOARDS OF CONCILIATION, COURTS OF INQUIRY OR INDUSTRIAL TRIBUNALS.

3. *Application.*—An application for the reference of an industrial dispute to a Board, Court or Tribunal shall be made in Form A and shall be delivered personally or forwarded by registered post in triplicate to the Secretary to the Government in the Department of Labour. The application shall be accompanied by a statement setting forth—

(a) the parties to the dispute;

(b) the specific matters in dispute;

(c) the total number of workmen employed in the undertaking affected;

(*d*) an estimate of the number of workmen affected or likely to be affected by the dispute; and

(*e*) the efforts made by the parties themselves to adjust the dispute.

4. *Attestation of application.*—The application and the statement accompanying it shall be signed—

(*a*) in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation;

(*b*) in the case of workmen, either by the President and Secretary of a registered trade union of the workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

5. *Notification of appointment of Board, Court or Tribunal.*—The appointment of a Board, Court or Tribunal together with the names of persons constituting the Board Court or Tribunal shall be notified in the Gazette.

6. *Notice to parties to nominate representatives.*—(1) If the Government propose to appoint a Board, it shall send a notice in form B to the parties requiring them to nominate within a reasonable time persons to represent them on the Board.

(2) The notice to the employer shall be sent to the employer personally, or if the employer is an incorporated company or a body corporate, to the agent, manager or other principal officer of such company or body.

(3) The notice to the workmen shall be sent—

(*a*) in the case of workmen who are members of a registered trade union, to the President or Secretary of the trade union; and

(*b*) in the case of workmen who are not members of a registered trade union, to any one workman who has attested the application made under Rule 3; and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

PART II.

Powers, Procedure and duties of conciliation officers Boards, Courts and Tribunals.

7. *Conciliation proceedings.*—On receipt of information about an existing or apprehended industrial dispute, or where the dispute relates to a public utility service on receipt of a notice of a strike or lock-out given under Rule 52 or Rule 53 the conciliation officer shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such times as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

8. The conciliation officer may hold a meeting of the representatives of both parties jointly or of each party separately.

9. The conciliation officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.

10. *Place and time of hearing.*—The sittings of a Board, Court or Tribunal shall be held as such times and places as the Chairman may fix, and the Chairman shall inform the parties of the same in such manner as he thinks fit:

Provided that as far as possible, the Board, Court or Tribunal shall sit at or near the place where the dispute or matter arose which is before it.

11. *Quorum for Boards and Courts.*—The quorum necessary to constitute a sitting of a Board or Court shall be as follows:—

	Quorum
(i) in the case of a Board—	
where the number of members is 3	2
where the number of members is 5	3
(ii) in the case of a Court—	
where the number of members is not more than 2	1
where the number of members is more than 2 but less than 5	2
where the number of members is 5 or more.	3

12. *Casual vacancy in Tribunal.*—Where a Tribunal consists of two or more members the Tribunal may with the consent of the parties, act notwithstanding any casual vacancy in its number and no act, proceeding or determination of the Tribunal shall be called in question or invalidated by reason of such vacancy.

13. *Administration of oath.*—Any member of a Board, Court or Tribunal may administer an oath.

14. *Evidence.* A Board, Court or Tribunal may accept, admit or call for evidence at any stage of the proceedings before it and in such manner as it may think fit.

15. *Summons.*—A summons issued by a Board, Court or Tribunal shall be in Form "C" and may require any person to produce before it any books, papers, or other documents and things in his possession or under his control in any way relating to the matter under investigation or adjudication by the Board, Court or Tribunal which the Board, Court or Tribunal thinks necessary for the purpose of such investigation or adjudication.

16. *Service of summons or notice.*—Any notice summons, process or order issued by a Board, Court or Tribunal may be served either personally or by registered Post or Anchal.

17. *Procedure at the first sitting.*—At the first sitting of the Board, Court or Tribunal, the Chairman shall call upon the parties in such order as he may think fit to state their case.

18. *Information to be kept confidential.*—All books, papers and other documents or things produced before a Board, Court or Tribunal whether voluntarily or in pursuance of a summons may be inspected by the Board, Court or Tribunal and also by such parties as the Board, Court or Tribunal allows; but the information obtained therefrom shall not except as provided in the Act, be made public; and such parts of the books, papers, documents or things as in the opinion of the Board, Court or Tribunal do not relate to the matters at issue may be sealed up.

19. *Board, Court or Tribunal may proceed ex-parte.*—If without good cause shown, any party to proceedings before a Board, Court or Tribunal fails to attend or to be represented the Board, Court or Tribunal may proceed as if he had duly attended or had been represented.

20. *Power of entry and inspection.*—Board, Court or Tribunal or any member thereof or any other person authorised in writing by a Board, Court or Tribunal in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Board, Court or Tribunal under the Act, at any time between the hours of sunrise and sunset, and in the case of a person authorised in writing by a Board, Court or Tribunal after he has given reasonable notice, enter any building, factory, workshop or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject-matter of the investigation, enquiry or adjudication.

21. *Power of Boards, Courts and Tribunals.*—In addition to the powers conferred by sub-section (3) of Section 11 of the Act, Boards, Courts and Tribunals shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1100 when trying a suit in respect of the following matters, namely :—

(*a*) discovery and inspection ;
(*b*) granting adjournment ;
(*c*) reception of evidence taken on affidavit ;

and the Board, Court or Tribunal may summon and examine *suo moto* any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of Sections 359 and 361 of the Code of Criminal Procedure 1117.

22. *Decision by majority.*—All questions arising for decision at any meeting of a Board, Court or Tribunal, save where the Court or Tribunal consists of one person, shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote

23. *Correction of errors.*—The Tribunal may correct any clerical mistake or error arising from an accidental slip or omission in any award it issues.

24. *Right of representatives.*—The representatives of the parties, appearing before a Board, Court or Tribunal, shall have the right of examination, cross-examination and re-examination and of addressing the Board, Court or Tribunal when all evidence has been called.

25. *Proceedings before a Board.*—The proceedings before a Board shall be held in public :

Provided that the Board may at any stage direct that any witness *shall* be examined or its proceedings shall be held in *camera*.

PART III.

Remuneration of members of Boards, Courts and Tribunals, Assessors and witnesses and establishment.

26. *Travelling allowance.*—A member of a Board, Court or Tribunal, if a non-official, shall be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible and subject to the conditions applicable to a Government servant of the first grade under the Travancore Service Regulations.

27. *Fees.*—The Chairman and members of a Board, Court or Tribunal and the assessors appointed to assist a Court or Tribunal shall be granted such fees as may be sanctioned by the Government in each case.

28. *Expenses of witnesses.*—Every person who is summoned and duly attends as a witness before a Board, Court or Tribunal shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil courts.

29 *Establishment.*—The Government may appoint a Secretary of the Board, Court or Tribunal and such other staff as they may think necessary and may fix the salaries and allowances payable to them.

PART IV.

Representation of Parties.

30 *Representation by a legal practitioner.*—Any party to reference before a Court or Tribunal may be represented by a legal practitioner with the permission of the Court or Tribunal, as the case may be, and subject to such conditions or restrictions as the Court or Tribunal may impose.

31. *Parties bound by acts of representatives.*—A party appearing by a representative shall be bound by the acts of that representative.

PART V.

Works Committees.

32 *Constitutions.* Any employer to whom an order made under sub-section (1) of Section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this Part.

33 *Number of members.*—The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in and to the sections, shops or departments of the establishment:

Provided that the total number of members shall not exceed twenty:

Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

34. *Representatives of employer.*—Subject to the provisions of these rules the representatives of the employer shall be nominated by the employer and shall, as far as possible, be officials in direct touch with or associated with the working of the establishment.

35. *Consultation with trade unions.*—Where any workmen of an establishment are members of a registered trade union, the employer shall ask the union to inform him in writing—

(a) how many of the workmen are members of the union and

(b) how their membership is distributed among the sections, shops or departments of the establishment.

36. *Groups of workman's representatives:* On receipt of the information called for under rule 35, the employer shall provide for the election of workmen's representatives on the Committee in two groups—

(1) those to be elected by the workmen of the establishment who are members of the union or unions, and

(2) those to be elected by the workmen of the establishment who are not members of the union or unions.

bearing the same proportion to each other as the union members in the establishment bear to the non-members:

Provided that where more than half the workmen are members of a union no such division shall be made.

37. *Electoral constituencies.*—Where under rule 36 the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies the one consisting of those who are members of a union and the other of those who are not:

Provided that the employer may, if he thinks fit, sub-divide the two electoral constituencies and direct that workmen shall vote in either by groups, sections shops or departments.

38. *Qualifications of candidates for election.* Any workman of not less than 19 years of age and with a service of not less than one years in the establishment may, if nominated as provided in these rules be a candidate for election as a representative of the workmen on the committee:

Provided that the service qualification shall not apply to the first election in an establishment which has been in existence for less than a year.

39. *Qualifications for voters* —All workmen, other than casual employees, who are not less than 18 years of age and who have put in not less than 6 months' service in the establishment shall be entitled to vote in the election of the representatives of workmen.

40. *Procedure for election.*—(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the Committee.

(2) For holding the election, the employer shall also fix a date which shall not be earlier than three days and later than ten days after the closing date for receiving nominations.

(3) The dates so fixed shall be notified at least seven days in advance to the workmen and the union or unions concerned, such notice shall be affixed on the notice board or given adequate publicity among the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the union or unions and by the non-members.

(4) A copy of such notice shall be sent to the union or unions concerned.

41. *Nomination of candidates for election.*—(1) Every nomination shall be made on a nomination paper in form "H" copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination paper must be signed by the candidate to whom it relates and attested by at least two other voters belonging to the electoral constituency and shall be delivered to the employer.

42. *Scrutiny of nomination papers.*—(1) On the day following the last day fixed for filing the nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid, if (a) the candidate nominated is ineligible for membership under rule 38 or (b) the requirements of rule 41 have not been complied with.

43. *Voting in election.*—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

(2) If in any constituency the number of candidates is more than the number of seats alloted to it, voting shall take place on the day fixed for election.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer, and, if any of the workmen concerned belong to a union, by such of them as the union may nominate.

44. *Arrangements for election.*—The employer shall be responsible for all arrangements in connection with the election.

45. *Officers of the Committee.*—(1) The Committee shall elect office bearers including one Chairman, one Vice-Chairman and two Joint Secretaries.

(2) The Chairman shall be nominated by the employer from amongst the employer's representatives on the Committee.

(3) The Vice-Chairman shall be elected by the Committee from amongst the workmen's representatives on the Committee.

(4) The two Joint Secretaries shall be elected by the Committee from among the representatives of the Employer and of the workmen respectively.

46. *Term of office.*—(1) The term of office of a workmen's representative on the Committee other than a member chosen to fill a casual vacancy shall be two years.

(2) A member chosen to fill casual vacancy shall hold office for the unexpired term of his predecessor.

47. *Vacancies.*—In the event of a workmen's representative ceasing to be employed in the establishment or in the event of his resigning the membership in the Committee, his successor shall be elected from the constituency to which the member vacating the seat belonged.

48. *Power to co-opt.*—The committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having a particular or special knowledge of a matter under discussion. Such co-opted members shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

49. *Number of meetings.*—The Committee may meet as often as necessary but not less often than once a month.

50. *Facilities for meetings etc.*—The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee.

PART VI.

MISCELLANEOUS.

51. *Memorandum of Settlement.*—The memorandum of settlement to be submitted by the Conciliation Officer / Board of Conciliation shall be in Form D.

52. *Notice of Strike.*—(1) The notice of strike to be given by employees in a public utility service shall be in form E.

(2) On receipt of a notice of strike under sub-rule (1), the employer shall forthwith intimate the fact to the appropriate conciliation officer.

53. *Notice of lock-out.*—The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form F.

54. *Report of lock-out or strike.*—The report of a lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of Section 22, shall be in Form G.

55. *Report of notice of strike or lock-out.*—The report of notice of a strike or lock-out to be submitted by the employer under sub-section (6) of Section 22 shall be sent by the registered Post or Anchal or given personally to the Conciliation Officer appointed for the local area concerned, with a copy by registered Post or Anchal to :—

(1) The Labour Commissioner,

(2) Department of Labour of Government, and

(3) The District Magistrate.

56. *Penalties.*—Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

SCHEDULE.

FORM A.

(*See rule 3.*)

Form of application under sub-section (2) of Section 10 of the Travancore Industrial Disputes Act, 1124, for the reference of an industrial dispute to a Board of Conciliation
Court of inquiry
Industrial tribunal

Whereas an industrial dispute is $\frac{\text{apprehended}}{\text{exists}}$ between......................

and........................and it is expedient that the matters specified in the enclosed statement which are connected with or relevant to the dispute / the dispute

investigation and settlement

should be referred for enquiry / adjudication

by a Board of Conciliation / a Court of Enquiry / an industrial Tribunal, an application is hereby made under sub-section (2) of Section 10 of the Travancore Industrial Disputes Act 1124, that the said matters / said dispute should be referred to a Board of Conciliation / a Court of Enquiry / a Industrial Tribunal

This application is made by the undersigned who have / has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the................ held on the................11

A statement giving the particulars required under rule 3 of the Travancore Industrial Disputes Rules 1121, is attached.

Dated..................11

Signature of Applicant (s)

To

The Secretary to the Government,

Department of Labour.

Statement required under rule 3 of the Travancore Industrial Dispute Rules 1121, to accompany the form of application prescribed under sub section 2 of Section 10 of the Travancore Industrial Disputes Act 1124:—

(a) Parties to the dispute.

(b) Specific matters in dispute.

(c) Total number of workmen employed in the undertaking affected.

(d) Estimate of the number of workmen affected or likely to be affected by the dispute

(e) Efforts made by the parties themselves to adjust the dispute.

FORM B.

(*See rule* 6.)

WHEREAS an industrial dispute has arisen / is apprehended .... and.............................. ......and it is expedient to refer the said dispute under Section 10 of the Travancore Industrial Disputes Act, 1124, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the..................the name (s) and address (es) of one (two) person (s) whom you wish to recommend for appointment as your representative (s) on the said Board.

If you fail to make the recommendation by the date specified above, the Government will select and appoint such person (s) as they think fit to represent you.

Secretary to the Government,
Department of Labour.

FORM C.

(*See rule* 15)

WHEREAS an industrial dispute between.... ....and.......... .....has been referred to this Board of Conciliation for investigation and settlement / Court of Enquiry for investigation / Industrial Tribunal for adjudication under Section 10 of the Travancore Industrial Disputes Act 1124, you are hereby summoned to appear before the Board / Court / Tribunal in person on the.......

...........day of........................at.................. o'clock in the...... ....noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board / Court / Tribunal

Dated

Chairman/Secretary. Board of Conciliation / Court of Enquiry / Industrial Tribunal

FORM D.

(*See rule* 51)

Form of Memorandum of Settlement.

Names of of parties.
Representing employer.
Representing employees.

Short recital of case.
Terms of agreement.

Signature of parties.

Signature of Conciliation Officer / Board of Conciliation

FORM E.

(*See rule* 52)

Form of notice of strike to be given by employee (s) in public utility service.

Name of Union ______________________________

Name of elected representatives of employees where no trade union exists

Address

Dated the day of 11 .

To

(The name of the employer).

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of Section 22 of the Travancore Industrial Disputes Act, 1124, I/We hereby give you notice that I propose to call a strike / We propose to go on strike on 11 for the reasons explained in the annexe.

Yours faithfully,

Secretary of the Union.

Representatives of the employees elected at a meeting held on

ANNEXE.

Statement of the case.

Copy to :—

(1) Conciliation Officer.

(Here enter office address of the Conciliation Officer in the local area concerned.)

(2) Labour Commissioner ·

FORM F.

(*See rule 53.*)

Form of notice of lock-out to be given by an employer carrying on public utility service.

Address

Name of Employer

Dated the day of 11

To

(The Secretary of the Registered Union, if any).

Dear Sir,

In accordance with the provisions of sub-section (2) of section 22 of the Travancore Industrial Disputes Act, 1124, $\frac{I}{We}$ hereby inform you that it is $\frac{my}{our}$ intention to effect a lock-out with effect from for the reasons explained in the annexe.

Yours faithfully

(*).

*Here insert the position which the person who signs this letter holds with the employer issuing this letter.

ANNEXE.

Statement of the case.

Copy to:—

(1) Conciliation Officer.

(Here enter office address of the Conciliation Officer in the local area concerned.)

(2) Labour Commissioner.

FORM G.

(*See rule 54*).

Form of Report of Strike or Lock-out in a Public Utility Service.

Information to be supplied in this form immediately on the occurrence of a strike or look-out in a public utility service to the Conciliation Officer for the local area concerned.

Name of undertaking.	Station and District.	Normal Working Strength.	Number of workers involved — Directly.	Number of workers involved — Indirectly.	Strike or lock-out.	Date of commencement of strike or lock-out.	Cause.	Was notice of strike or lock-out given; if so, on what date and for what period?	Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workmen? If any exists, particulars thereof.	Any other information.
1	2	3	4	5	6	7	8	9	10	11

Note:—Column (3) Give the average number of workmen employed during the month previous to the day on which the strike on lock out occurred while reckoning the average, omit the days on which attendance was not normal for reasons other than individual reasons of particular workmen. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section of workers should be omitted.

Column (4) If say 200 workers in a factory strike work and in consequence the whole factory employing 2,000 workers has to be closed then 200 should be shown under "directly" and the remaining under "indirectly." If the strike of 200 workers does not effect the working of the other departments of the factory, the number of workers involved would only be 200, which figure should appear under "directly" and column "indirectly" would be blank.

Column (8) Give the main causes of the dispute as well as the immediate cause that led to the strike or look-out.

FORM H.

(See rule 41.)

Form of Nomination Paper.

Name of Industrial Establishment.	Group/Section/Shop/Department.

I nominate (Here enter the name of the workmens' representative eligible for election) as a candidate for election to the Works Committee.

Signature of Proposer.

Date

I agree to the proposed nomination.

Signature of candidate.

Date

Attested by (1) To be signed by any two voters belonging to the electoral constituency.

(2)